REMARKS

In view of the restriction requirement, claims 3-13 and 16 have been canceled.

Claim 2 has been made independent by incorporating the introductory language of claim 1, and in view of that, claim 1 has been canceled.

Claim 14 has been amended to make it dependent on claim 2.

Claim 15 has been withdrawn pending prosecution of the elected claims. According to the Office Action Summary, claim 15 was withdrawn by the examiner; the Detailed Action reiterates that claim 15 is not part of the elected invention, but does not list it among the withdrawn claims.

Claims 1 and 14 were rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. Since claim 2 was considered to be enabled, applicants have amended claim 2 to be independent and canceled claim 1. Similarly, claim 14 has been made dependent on claim 2.

Claims 1 and 14 were also rejected under 35 U.S.C. 112, second paragraph, for indefiniteness in the use of the term "dual histamine H_3 receptor antagonist/m2 muscarinic antagonist." Applicants urge that one skilled in the art would understand in the context of the description in the specification that "dual" antagonists are single compounds exhibiting both activities, while "combinations" refer to separate H_3 receptor antagonists and m2 muscarinic antagonists. However, applicants urge that this rejection is rendered moot by the amendments to the claims. Since claim 2 now refers to "dual" antagonists and specifically lists them, the claim clearly points out and distinctly claims the subject matter.

Reconsideration and withdrawal of the rejections under 35 U.S.C. 112 are respectfully requested.

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al US 5,883,096. Applicants confirm that the subject matter of the various claims was commonly owned at the time the invention was made.

Applicants point out that since they are not claiming compounds per se, but rather a method of treatment comprising the administration of certain compounds, neither the

novelty nor the obviousness of the compounds per se that are enumerated in claim 2 is an issue. Applicants agree that genuses of di-N-substituted piperidines (not piperazines, as indicated in the rejection) are known as m2 muscarinic antagonists for treating cognition deficit disorders, but there is no disclosure in Lowe et al, or in any publication known to applicants, that discloses that the m2 muscarinic antagonists also have activity as histamine H_3 receptor antagonists. Conversely, genuses of di-N-substituted piperidines are known as histamine H_3 receptor antagonists and there is disclosure of histamine H_3 receptor antagonists in the treatment of cognition deficit disorders, but there is no disclosure that such compounds have activity as m2 muscarinic antagonists.

Even if one were to have made compounds within the scope of the disclosure in Lowe et al with the intent to prepare muscarinic antagonists for treating cognition deficit disorders, there is no teaching or suggestion in the reference that the compounds would also have activity as histamine H_3 receptor antagonists. In particular, there is no motivation in the art to prepare and test the compounds listed in claim 2 for both m2 antagonist and H_3 antagonist activity for the treatment of cognition deficit disorders.

It is only by the impermissible use of hindsight, after reading applicants' disclosure, that one would conclude that compounds having both m2 muscarinic antagonist activity and histamine H_3 receptor antagonist activity would be useful in treating cognition deficit disorders.

Claim 14 was also rejected under 35 U.S.C. 103(a) in view of Lowe et al, in further view of page 1731 of *Drug Facts and Comparisons*. The claim stands rejected on the basis that the Lowe et al compounds are known for the treatment of cognition deficit disorders, and tacrine (the elected acetylcholinesterase inhibitor) is known for the treatment of Alzheimer's disease, so it is alleged to be obvious to use the combination to treat cognition deficit disorders. Applicants again point out that prior to the instant invention, compounds having both m2 muscarinic antagonist activity and histamine H_3 receptor antagonist activity were unknown. Since the method of treating cognition deficit disorders by administering the compound with dual activity was not known, applicants respectfully submit that it could not be obvious to

combine the administration of those dual activity compounds with another agent such as tacrine in order to treat cognition deficit disorders.

Reconsideration and withdrawal of the rejections of pending claims 2 and 14 under 35 U.S.C. 103 are respectfully requested.

Respectfully submitted,

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